

36. (new) The absorbent article of claim 23, wherein the hydroentangled, hydroapertured spun-lace material is a homogeneous mixture of about 70% rayon fiber and about 30% polyethylene terephthalate polyester.

37. (new) An absorbent article, comprising a cover, a first absorbent layer and a second absorbent layer;

the first absorbent layer situated between the cover and the second absorbent layer;

the cover including a hydroentangled, hydroapertured spun-lace material;

the first absorbent layer including a Thru-Air Bonded Carded Web material;

the second absorbent layer including a Thru-Air Bonded Carded Web material; and

the Thru-Air Bonded Carded Web material in at least one of the first and second absorbent layers

having a basis weight of between about 15 g/m<sup>2</sup> and about 70 g/m<sup>2</sup>, and having a staple fiber that has a denier of between about 3 and about 10.

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## Remarks

The claims have been amended to conform them to the remainder of the disclosure and to provide adequate coverage for Applicants' contribution to the art. A **Version Of Claims With Markings To Show Changes Made** is enclosed and made a part hereof. The amendments are clearly supported by the original disclosure.

Generally stated, the present invention provides a distinctive absorbent article, comprising a liquid pervious cover; an absorbent core; and an intake intensifier pledget located on a central portion of the absorbent core. In a particular aspect, the cover includes a hydroentangled, hydroapertured spun-lace material, and the pledget includes a Thru-Air Bonded Carded Web material. In another aspect, the Thru-Air Bonded Carded Web material has a basis weight of between about 15 g/m<sup>2</sup> and about 70 g/m<sup>2</sup>. Further aspects of the invention are set forth in the specification and claims.

The incorporation of the various aspects and features of the fastening system of the invention can provide a more zoned, area-concentrated and intensified fluid intake which can substantially reduce lateral run-off and leakage. The configurations of the invention can provide a relatively higher void volume capacity for greater absorption. The configurations of the invention can also provide rapid absorption of body fluid, and can minimize unnecessary discomfort for the wearer. The high void volume provided by the invention can also provide greater retention of body fluid to avoid rewet, and the low density, nonwoven material used can provide a more cushioned feel due to its resiliency, while being less bulky.

Claims 1-22 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In view of the amendments to the claims, it is believed that the Examiner's objections to the claims have been obviated. With regard to the Examiner's comments pertaining to the phrase, "the pledget has a first surface situated adjacent the garment-facing surface of the cover and a second surface bonded to at least one of the absorbent core or wrapping material", it is respectfully pointed out that the garment-facing surface of the cover faces outward, away from the wearer's body. With reference to FIGS. 2 and 6, it can be readily observed that the pledget **15** has a first surface (e.g. top) situated adjacent the garment-facing (e.g. bottom) surface of the cover, and has a second surface (e.g. bottom) which can be bonded to at least one of the absorbent core **25** or the wrapping material **24**. It is, therefore, respectfully submitted that the claims are sufficiently definite.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112 are respectfully requested.

Claims 1-3, 5-7, 10, 12 and 13 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent 6,068,620 to Chmielewski. The rejection is respectfully **traversed** to the extent that it may apply to the currently presented claims.

Chmielewski describes a disposable absorbent garment comprising a topsheet, a backsheet and an absorbent core disposed between the topsheet and backsheet is disclosed. The absorbent core is formed from at least one and preferably more than one laminate comprising three layers, including an upper layer, a lower layer and a central fibrous layer containing from about 50-95% by weight superabsorbent polymer. The upper and lower layers comprise tissue, airlaid fluff pulp or synthetic nonwoven fibrous layers. The upper and lower layers together assist to maintain the integrity of the core during manufacture and in use, contain the superabsorbent polymer within the insult area of the garment and act to diffuse multiple insults so that gel blocking is minimized.

Chmielewski, however, does not disclose or suggest the configurations called for by Applicants' claimed invention. For example, Chmielewski does not teach a configuration in which the cover includes a hydroentangled, hydroapertured spun-lace material, and the pledget includes a Thru-Air Bonded Carded Web material, as called for by the currently presented claims. Neither does Chmielewski teach an arrangement wherein the Thru-Air Bonded Carded Web material has a basis weight of between about 15 g/m<sup>2</sup> and about 70 g/m<sup>2</sup>, as called for by Applicants' claimed invention. Additionally, Chmielewski fails to disclose or suggest a configuration in which the Thru-Air Bonded Carded Web material provides a low densified, lofty, Thru-Air Bonded Carded Web; the Thru-Air Bonded Carded Web material comprises a staple fiber having a denier of between about 3 and about 10; the Thru-Air Bonded Carded Web material comprises an Ultra-Bulky bicomponent fiber or composites thereof; or in which the pledget comprises a composite of said Thru-Air Bonded Carded

Web and an airlaid nonwoven material; as called for by particular claims of Applicants. As a result, when compared to Applicants' claimed invention, the structures taught by Chmielewski would be less able to provide a desired area-concentrated and intensified fluid intake. The structures taught by Chmielewski would also be less able to provide a desired, high void volume capacity, and a desired rapid absorption of body fluid. Additionally, the structures taught by Chmielewski would be less able to provide desired levels of liquid retention, low rewet, high resiliency, low bulk, reduced lateral run-off, reduced leakage, and increased comfort. It is, therefore, readily apparent that Chmielewski does not disclose or suggest Applicants' claimed invention.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(e) are respectfully requested.

Claims 1-7 and 10-14 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent 6,326,525 to Hamajima et al. (hereinafter Hamajima). The rejection is respectfully **traversed** to the extent that it may apply to the currently presented claims.

Hamajima describes an absorbent article 1 having a substantially elongate configuration, comprising a liquid-impermeable leakage-preventive layer 3, and a liquid-retentive absorbent layer 2 disposed above the leakage-preventive layer 3, wherein the absorbent layer 2 comprises a liquid-retentive absorbent member 24 and a liquid-permeable topsheet 23, and is formed by a fixed portion 21 and one pair of left and right free edge portions 22, the fixed portion 21 being fixed to the leakage-preventive layer 3, the free edge portions 22 being located on opposite left and right sides in the longitudinal direction of the fixed portion 21 and each having a free end 22a, the absorbent member 24 being present in both of the fixed portion 21 and the pair of left and right free edge portions 22.

Hamajima, however, fails to disclose or suggest the configurations called for by Applicants' claimed invention. For example, Hamajima does not teach a configuration in which the cover includes a hydroentangled, hydroapertured spun-lace material, and the pledget includes a Thru-Air Bonded Carded Web material, as called for by the currently presented claims. Neither does Hamajima teach an arrangement wherein the Thru-Air Bonded Carded Web material has a basis weight of between about 15 g/m<sup>2</sup> and about 70 g/m<sup>2</sup>, as called for by Applicants' claimed invention. Additionally, Hamajima fails to disclose or suggest a configuration in which the Thru-Air Bonded Carded Web material provides a low densified, lofty, Thru-Air Bonded Carded Web; the Thru-Air Bonded Carded Web material comprises a staple fiber having a denier of between about 3 and about 10; the Thru-Air Bonded Carded Web material comprises an Ultra-Bulky bicomponent fiber or composites thereof; or in which the pledget comprises a composite of said Thru-Air Bonded Carded Web and an airlaid nonwoven material; as called for by particular claims of Applicants. As a result, when compared to Applicants' claimed invention, the structures taught by Hamajima would be less able to provide a desired area-concentrated

and intensified fluid intake which can significantly reduce lateral run-off and leakage. The structures taught by Hamajima would also be less able to provide a desired, high void volume capacity, and a desired rapid absorption of body fluid. Additionally, the structures taught by Hamajima would be less able to provide desired levels of liquid retention, low rewet, high resiliency, low bulk and increased comfort. It is, therefore, readily apparent that Hamajima does not disclose or suggest Applicants' claimed invention.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(e) are respectfully requested.

Claims 1-4, 8-10, 15, 17, 19 and 21 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent 5,649,916 to DiPalma et al. (hereinafter DiPalma). The rejection is respectfully **traversed** to the extent that it may apply to the currently presented claims.

DiPalma describes an absorbent article having a cover, a baffle and an absorbent core is disclosed. The absorbent core is constructed of at least three absorbent members vertically arranged with each absorbent member having an increasing wicking capacity along an x and y-axes, relative to the preceding absorbent member. The improved absorbent core exhibits a crush resistance of greater than about 250 grams and having a caliper of less than about 5 mm.

DiPalma, however, does not disclose or suggest the configurations called for by Applicants' claimed invention. For example, DiPalma does not teach a configuration in which the cover includes a hydroentangled, hydroapertured spun-lace material, and the pledget includes a Thru-Air Bonded Carded Web material, as called for by the currently presented claims. Neither does DiPalma teach an arrangement wherein the Thru-Air Bonded Carded Web material has a basis weight of between about 15 g/m<sup>2</sup> and about 70 g/m<sup>2</sup>, as called for by Applicants' claimed invention. Additionally, DiPalma fails to disclose or suggest a configuration in which the Thru-Air Bonded Carded Web material provides a low densified, lofty, Thru-Air Bonded Carded Web; the Thru-Air Bonded Carded Web material comprises a staple fiber having a denier of between about 3 and about 10; the Thru-Air Bonded Carded Web material comprises an Ultra-Bulky bicomponent fiber or composites thereof; or in which the pledget comprises a composite of said Thru-Air Bonded Carded Web and an airlaid nonwoven material; as called for by particular claims of Applicants. As a result, when compared to Applicants' claimed invention, the structures taught by DiPalma would be less able to provide a desired area-concentrated and intensified fluid intake which can significantly reduce lateral run-off and leakage. The structures taught by DiPalma would also be less able to provide a desired, high void volume capacity, and a desired rapid absorption of body fluid. Additionally, the structures taught by DiPalma would be less able to provide desired levels of liquid retention, low rewet, high resiliency, low bulk and increased

comfort. It is, therefore, readily apparent that DiPalma does not disclose or suggest Applicants' claimed invention.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(e) are respectfully requested.

Claims 16, 18, 20 and 22 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over DiPalma (U.S. Patent 5,649,916), in view of U.S. Patent No. 5,769,834 to Reiter et al. (hereinafter Reiter). The rejection is respectfully **traversed** to the extent that it may apply to the currently presented claims.

Reiter describes an absorbent article useful for absorbing bodily fluids discharged by the wearer of the article is provided. The absorbent article comprises a fluid pervious topsheet, a fluid impervious backsheet affixed to the topsheet, an absorbent core disposed between the topsheet and the backsheet, and a resilient tubular member disposed between the topsheet and the backsheet for transporting the fluids to a predetermined region of the core. The tubular member has a plurality of fluid inlets and a plurality of fluid outlets, the inlets and outlets providing fluid communication between the interior and exterior of the tubular member. Discharged fluids may be transported from regions adjacent the inlets into the interior of the tubular member, and thereafter through the outlets to the predetermined regions of the core adjacent the outlets, thereby rapidly transporting the fluids to the predetermined region of the core. The inlets are normally open and the outlets are normally closed, however compression of the tubular member causes the inlets to close and the outlets to open, thereby permitting the desired fluid movement. Decompression and compression of the tubular member may be accomplished by the normal bodily movements of the wearer.

Reiter, however, fails to cure the deficiencies of DiPalma, and a proper combination of DiPalma and Reiter would still fail to disclose or suggest the configurations called for by Applicants' claimed invention. For example, a proper combination of DiPalma and Reiter does not teach a configuration in which the cover includes a hydroentangled, hydroapertured spun-lace material, and the pledget includes a Thru-Air Bonded Carded Web material, as called for by the currently presented claims. Neither does a proper combination of DiPalma and Reiter teach an arrangement wherein the Thru-Air Bonded Carded Web material has a basis weight of between about 15 g/m<sup>2</sup> and about 70 g/m<sup>2</sup>, as called for by Applicants' claimed invention. Additionally, a proper combination of DiPalma and Reiter fails to disclose or suggest a configuration in which the Thru-Air Bonded Carded Web material provides a low densified, lofty, Thru-Air Bonded Carded Web; the Thru-Air Bonded Carded Web material comprises a staple fiber having a denier of between about 3 and about 10; the Thru-Air Bonded Carded Web material comprises an Ultra-Bulky bicomponent fiber or composites thereof; or in which the pledget comprises a composite of said Thru-Air Bonded Carded Web and an airlaid nonwoven material;

as called for by particular claims of Applicants. As a result, when compared to Applicants' claimed invention, the structures taught by a proper combination of DiPalma and Reiter would be less able to provide a desired area-concentrated and intensified fluid intake. The structures taught by a proper combination of DiPalma and Reiter would also be less able to provide a desired, high void volume capacity, and a desired rapid absorption of body fluid. Additionally, the structures taught by a proper combination of DiPalma and Reiter would be less able to provide desired levels of liquid retention, low rewet, high resiliency, low bulk, reduced lateral run-off, reduced leakage, and increased comfort. It is, therefore, readily apparent that a proper combination of DiPalma and Reiter does not disclose or suggest Applicants' claimed invention.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are respectfully requested.

The prior art made of record and not relied upon has been considered pertinent to Applicants' disclosure. It is readily apparent that this art does not disclose or suggest the invention called for by Applicants' currently presented claims.

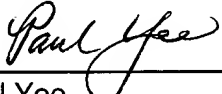
In view of the above, it is respectfully submitted that the currently presented claims are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejections, and allowance of Applicants' presented claims are earnestly solicited.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 920-721-2435.

Respectfully submitted,

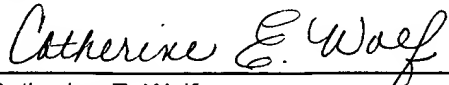
HYUNG BYUM KIM ET AL.

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Enclosure

**CERTIFICATE OF MAILING**

I, Catherine E. Wolf, hereby certify that on April 4, 2002, this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

By:   
Catherine E. Wolf

**Version Of Claims With Markings To Show Changes Made**

23. (new)

24. (new)

25. (new)

26. (new)

27. (new)

28. (new)

29. (new)

30. (new)

31. (new)

32. (new)

33. (new)

34. (new)

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37. (new)